tuberculosis. Misbranding also was charged because the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On November 8, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25052. Adulteration and misbranding of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets. U. S. v. The G. F. Harvey Co. Plea of nolo contendere. Judgment of guilty. Fine, $200.** (F. & D. no. 33989. Sample nos. 66256–A, 7446–B, 7447–B, 7449–B.)

This case involved the following products: Tincture of digitalis that had a potency of approximately twice the requirement of the United States Pharmacopoeia; nitroglycerin tablets that contained nitroglycerin in excess of the amount declared on the label; and strychnine sulphate tablets and strychnine nitrate tablets that contained less strychnine sulphate and less strychnine nitrate, respectively, than declared on the labels.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. F. Harvey Co., a corporation, Saratoga Springs, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about January 8 and August 14, 1934, from the State of New York into the State of New Jersey, of quantities of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets which were adulterated and misbranded.

The articles were labeled, variously: "Tincture Digitalis U. S. P., 10th Revis. * * * The G. F. Harvey Co., Pharmaceutical Manufacturers, Saratoga Springs, New York. * * *"; "Hypoder. Tab. Nitroglycerin 1-100 Grain"; "Hypodermic Tab. Strychnine Sulphate 1-60 Grain * * *"; "Hypoder. Tab. Strychnine Nitrate 1-60 Grain * * *."

The tincture of digitalis was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia in that it had a potency of approximately twice the requirement prescribed in the pharmacopoeia for tincture of digitalis; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged with respect to all products for the reason that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The tincture of digitalis was represented to conform to the test laid down in the United States Pharmacopoeia, tenth revision, whereas it was not tincture of digitalis which conformed to the test laid down in the said pharmacopoeia; the nitroglycerin tablets were each represented to contain one-hundredth of a grain of nitroglycerin, whereas each of said tablets contained more than so represented, namely, not less than 0.0128 grain, i. e., approximately one-eightieth of a grain of nitroglycerin; the strychnine sulphate tablets were each represented to contain one-sixtieth of a grain of strychnine sulphate, whereas each of said tablets contained less than so represented, namely, not more than 0.0147 grain (approximately one-seventieth of a grain) of strychnine sulphate; and the strychnine nitrate tablets were each represented to contain one-sixtieth of a grain of strychnine nitrate, whereas each of said tablets contained less than so represented, namely, not more than 0.0142 grain (approximately one-seventieth of a grain) of strychnine nitrate.

Misbranding was alleged for the reason that the statements "Tincture Digitalis U. S. P., 10th Revis.", "Hypoder. Tab. Nitroglycerin 1-100 Grain", "Hypodermic. Tab. Strychnine Sulphate 1–60 Grain", and "Tab. Strychnine Nitrate 1–60 Grain", borne on the labels of the respective products, were false and misleading, since the tincture of digitalis did not conform to the test laid down in the United States Pharmacopoeia, tenth revision; that nitroglycerin tablets contained more than one one-hundredth of a grain of nitroglycerin; and the strychnine sulphate tablets and strychnine nitrate tablets contained less than one-sixtieth of a grain of strychnine sulphate and strychnine nitrate, respectively.

On October 31, 1935, the defendant company was adjudged guilty upon a plea of nolo contendere, and was sentenced to pay a fine of $200.

W. R. GREGG, *Acting Secretary of Agriculture.*